

**AMENDMENTS TO THE CLAIMS**

1. (original) A power transmitting fluid for use in a power transmitting device, comprising:
  - (a) a major amount of a base oil; and
  - (b) a minor amount of an additive composition comprising at least one non-dispersant viscosity index improver,wherein the power transmitting fluid provides anti-shudder performance to the power transmitting device.
2. (original) The fluid of claim 1, wherein the non-dispersant viscosity index improver comprises a polymethacrylate viscosity index improver.
3. (original) The fluid of claim 1, wherein the non-dispersant viscosity index improver is present in an amount from about 0.01 wt% to about 50 wt% in the additive composition.
4. (original) The fluid of claim 3, wherein the non-dispersant viscosity index improver is present in an amount from about 1 wt% to about 25 wt% in the additive composition.
5. (original) The fluid of claim 4, wherein the non-dispersant viscosity index improver is present in an amount from about 3 wt% to about 15 wt% in the additive composition.
6. (original) The fluid of claim 1, wherein the base oil comprises one or more of a natural lubricating oil, a synthetic lubricating oil, and a mixture thereof.
7. (original) The fluid of claim 1, wherein the fluid is free of a dispersant viscosity index improver.
8. (original) The fluid of claim 1, wherein the fluid is suitable for use in an automatic transmission, a continuously variable transmission, a slipping torque converter, a step

automatic transmission, a clutch-to-clutch transmission, and a transmission with a wet starting clutch.

9. (original) The fluid of claim 1, wherein the power transmitting fluid provides improved anti-shudder performance relative to a power transmitting fluid free of at least one non-dispersant viscosity index improver and containing a dispersant viscosity index improver.

10. (original) An automatic transmission lubricated with the fluid of claim 1.

11. (original) The automatic transmission of claim 10, wherein the transmission is a continuously variable transmission.

12. (original) A lubricating fluid having compatibility with an elastomeric component, comprising:

(a) a major amount of a base oil; and

(b) a minor amount of an additive composition having at least one non-dispersant viscosity index improver.

13. (original) The fluid of claim 12, wherein the fluid further promotes swelling of the elastomeric component.

14. (original) The fluid of claim 12, wherein the non-dispersant viscosity index improver comprises a polymethacrylate viscosity index improver.

15. (original) The fluid of claim 12, wherein the non-dispersant viscosity index improver is present in an amount from about 0.01 wt% to about 50 wt% in the additive composition.

16. (original) The fluid of claim 15, wherein the non-dispersant viscosity index improver is present in an amount from about 1 wt% to about 25 wt% in the additive composition.

17. (original) The fluid of claim 16, wherein the non-dispersant viscosity index improver is present in an amount from about 3 wt% to about 15 wt% in the additive composition.

18. (original) The fluid of claim 12, wherein the base oil comprises one or more of a natural lubricating oil, a synthetic lubricating oil, and a mixture thereof.

19. (original) The seals and/or hoses of claim 12, wherein the elastomeric component includes one or more of a seal, a hose, a gasket, and a belt.

20. (original) The seals and/or hoses of claim 12, wherein the elastomeric component is composed of any one of a chlorinated polyethylene, a nitrile rubber, a polyacrylate, a fluoroelastomer, and a silicone.

21. (original) The fluid of claim 12, wherein the fluid is suitable for use in an automatic transmission, a continuously variable transmission (CVT), a slipping torque converter, a step automatic transmission, a clutch-to-clutch transmission, and a transmissions with a wet starting clutch.

22. (original) The fluid of claim 12, wherein the compatibility is improved relative to a fluid free of a non-dispersant viscosity index improver.

23. (original) The fluid of claim 12, wherein the compatibility is improved relative to a fluid free of a non-dispersant viscosity index improver and containing a dispersant viscosity index improver.

24. (original) The fluid of claim 12, wherein the fluid is free of a dispersant viscosity index improver.

25. (original) The fluid of claim 12, wherein the fluid further contains a seal swell agent.

26. (original) A method of lubricating a power transmission, comprising adding to, and operating in, a power transmission having an elastomeric component a fluid as set forth in claim 12.

27. (original) An automatic transmission lubricated with the fluid of claim 12.

28. (original) The automatic transmission of claim 27 wherein the transmission is a continuously variable transmission.

29. (currently amended) A method of improving the anti-shudder capabilities of a power transmission fluid, comprising:

~~lubricating a power transmission with a power transmission fluid comprising:~~  
providing a power transmission fluid comprising:

(a) a major amount of a base oil; and

(b) a minor amount of an additive composition comprising at least one

non-dispersant viscosity index improver; and

lubricating a power transmission with the fluid.

30. (currently amended) A method of improving the torque performance of a power transmission fluid, comprising:

~~lubricating a power transmission with a power transmission fluid comprising:~~  
providing a power transmission fluid comprising:

(a) a major amount of a base oil; and

(b) a minor amount of an additive composition comprising at least one

non-dispersant viscosity index improver; and

lubricating a power transmission with the fluid.

31. (currently amended) A method of improving the compatibility of a lubricating fluid with an elastomeric component, said method comprising: ~~lubricating an elastomeric component with a fluid comprising:~~

providing a lubricating fluid comprising:

- (a) a major amount of a base oil; and
- (b) a minor amount of an additive composition comprising at least one non-dispersant viscosity index improver; and

lubricating the elastomeric component with the fluid.

32. (original) The method of claim 31, wherein the elastomeric component comprises one or more of seal, a hose, a gasket, and a belt.

33. (original) The method of claim 31, wherein the elastomeric material is composed of one of a chlorinated polyethylene, a nitrile rubber, a polyacrylate, a silicone, and a fluoroelastomer.

34. (original) A method of promoting seal swell of an elastomeric seal, comprising lubricating the elastomeric seal with a lubricating fluid comprising:

- (a) a major amount of a base oil; and
- (b) a minor amount of an additive composition comprising at least one non-dispersant viscosity index improver.

35. (original) A method of making a power transmitting fluid having anti-shudder capabilities, comprising adding to a major amount of a base oil a minor amount of an additive composition having a non-dispersant viscosity index improver.

36. (currently amended) A method of making a lubricating fluid having improved compatibility with an elastomeric component relative to a lubricating fluid composition that does not contain a minor amount of a non-dispersant viscosity index improver.

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comprising adding to a major amount of a base oil a minor amount of an additive composition having a non-dispersant viscosity index improver.